

REMARKS

Applicants are in receipt of the Office Action mailed July 28, 2008, entirely in the nature of a restriction requirement based on purported lack of unity of invention under PCT Rules 13.1 and 13.2. Applicants reply below.

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

Restriction has been required among what the PTO deems as being six (6) separate (and presumably patentably distinct) inventions. As applicants must make an election even though the requirement is traversed, applicants hereby respectfully and provisionally elect Group VI, presently previous claims 49 and 50, and new claims 55 and 56, with traverse and without prejudice.

The examiner takes the position that unity of invention is destroyed by Wiese et al, a publication of 1996, reference U. But the common technical feature is not simply the structure represented by formula (1) because the substituents must also be taken into account. Moreover, even if the common subject matter of the broader claims were to be

held unpatentable and therefore not a special technical feature under PCT Rule 13.2, that does not mean that there is not a narrower common special technical feature which exists throughout the several groups.

Moreover, at least some of the method groups are closely related and should be examined together regardless of whether or not the structure represented by formula (1) is known (not admitted). For example, the methods of at least some of Groups II-V are sufficiently similar to the method of elected Group VI that they should be examined in the same application.

Accordingly, at least partial withdrawal of the requirement is respectfully requested, along with examination of claims of plural Groups.

Respectfully submitted,

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